

U.S. v. Castleman, --- U.S. --- (2014)
Decided March 26, 2014

FACTS: Congress enacted 18 U.S.C. §922(g)(9) to close a “dangerous loophole” in federal gun laws. “While felons had long been barred from possessing guns, many perpetrators of domestic violence are convicted only of misdemeanors.” Section 922(g)(9) provided that an individual who has been convicted of a “misdemeanor crime of domestic violence” may not possess any firearm or ammunition. A “misdemeanor crime of domestic violence” was further defined as “an offense that ... (i) is a misdemeanor under Federal, State, or Tribal law; and (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.”¹¹

In 2001, Castleman was charged under Tennessee law with “intentionally or knowingly caus[ing] bodily injury to” the mother of his child, to which he pled guilty. In 2008, federal authorities learned he was selling firearms on the black market. He was charged with violating §922(g)(9) and other unrelated offenses.

Castleman moved to dismiss the charge, arguing that his Tennessee conviction did not include the necessary element of “physical force” – the District Court agreed that to qualify, the crime “must entail ‘violent contact with the victim.’” Upon appeal, the Sixth Circuit affirmed, “by different reasoning – finding that the degree of force is that same as required under a different statute, which defines “violent felony.” The Court noted that he could have been convicted for a “slight, nonserious physical injury” from force that could not be described as violent. This decision “deepened the split of authority among the Courts of Appeal on the issue. The U.S. Supreme Court granted certiorari to resolve the split.

ISSUE: Does a minor assault that includes any degree of force qualify as a misdemeanor crime of domestic violence for federal law purposes?

HOLDING: Yes

DISCUSSION: The Court noted that under common law, the element of force is satisfied “by even the slightest offenses touching.” In this case, that “common-law meaning of ‘force’ fits perfectly.” Since the perpetrators of domestic violence are prosecuted under applicable state assault/battery statutes, “it makes sense “ to use the “type of conduct that supports a common-law battery conviction.” Further, while “violent” or “violence” does connote a “substantial degree of force,” ... “that is not true of ‘domestic violence.’” Instead, that term is “a term of art encompassing acts that one might not characterize as ‘violent’ in a nondomestic context.” The Court emphasized that most domestic assaults “are relatively minor and consist of pushing, grabbing,

¹¹¹ 18 U.S.C. §921(a)(33)(A).

shoving, slapping, and hitting.” These “minor uses of force” are not usually considered “violent,” but these situations involve “the accumulation of such acts over time” that “can subject one intimate partner to the other’s control.”

The Court further noted that the statute groups those convicted of misdemeanor crimes of domestic violence “with others whose conduct does not warrant such a designation.” In addition, to read the statute otherwise would render the federal law “inoperative in many States” – as the laws under which such situations are prosecuted fall into two categories – “those that prohibit both offensive touching and the causation of bodily injury, and those that prohibit only the latter.” Certainly, offensive touching does not generally entail violent force.

The Court concluded that the degree of force necessary for the crime was the same as that required to support a “common-law battery conviction.” Under the Tennessee statute, not every act alleged under the law would be a use of physical force, but in this case, he pled guilty, according to the indictment, of causing bodily injury (which must have resulted from physical force.)

The Sixth Circuit decision was reversed and the case remanded.

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/13pdf/12-1371_6b35.pdf